

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN LOSCOMBE,

Plaintiffs,

v.

CITY OF SCRANTON, et al.

Defendants.

CIVIL ACTION NO. 3:10-CV-1182

(JUDGE CAPUTO)

ORDER

NOW, this 10th day of August, 2012, **IT IS HEREBY ORDERED** that Defendants City of Scranton and Mayor Chris Doherty's Motion to Dismiss (Doc. 34) and Defendants Firemen's Pension Commission, Firemen's Relief and Pension Fund Commission, and Composite Pension Board's Motion to Dismiss (Doc. 39) are **GRANTED IN PART AND DENIED IN PART AS FOLLOWS**:

1. Defendant Mayor Doherty is **DISMISSED** from this action. Plaintiff is given leave to amend his claims as against this Defendant.
2. Count I (First Amendment Retaliation) is **DISMISSED**. Plaintiff is given leave to amend his claims as to this Count.
3. Count II (Substantive and Procedural Due Process) is **DISMISSED WITH PREJUDICE**.
4. Within Count III, Plaintiff's claims for Due Process, First Amendment Free Speech, and Fifth Amendment Vagueness are **DISMISSED WITH PREJUDICE**.
5. Count IV (Unlawful Seizure and Taking) is **DISMISSED**. Plaintiff is given leave to amend his claims as to this Count.

6. Plaintiff shall have twenty-one (21) days from the date of this Order to amend the Second Amended Complaint insofar as leave was explicitly granted. When submitting an amended complaint, Plaintiff must follow the procedure for highlighting of amendments outlined in Local Rule 15.1(b).

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge